



PATENT
ATTORNEY DOCKET NO. 46884-5473

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hirofumi KAN et al.)
Application No.: 10/577,958) Examiner: Unassigned
Filed: May 2, 2006) Group Art Unit: Unassigned
Title: SEMICONDUCTOR LASER) Confirmation No.: Unassigned
DEVICE AND METHOD OF)
MANUFACTURING THE SAME)

MAIL STOP AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

An English translation of an International Preliminary Report on Patentability dated August 22, 2006 that issued in an International patent application, and having documents cited therein is attached for the Examiner's consideration. A cited document is listed on the attached PTO Form 1449 and a copy of the cited document is also attached hereto.

While the International Preliminary Report on Patentability additionally cites to Japanese Laid-Open Patent Publication Nos. 2003-273441, 2003-152259, 11-121816 and 2002-314281, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an IDS filed on May 2, 2006 in this application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: September 27, 2006

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